

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JOANNE MCWHORTER,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO. 1:10-CV-635

OPINION & ORDER
[Resolving Doc. No. [1](#), [18](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On March 26, 2010, Plaintiff Joanne McWhorter filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her disability benefits. The matter was referred to Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2. On May 11, 2011 Magistrate Judge Vecchiarelli issued a Report and Recommendation recommending that this Court affirm the Commissioner's decision. [[Doc. 18](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court

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may adopt the magistrate judge's report without review. [See Thomas, 474 U.S. at 149.](#)

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' briefs, the Court agrees with the recommendation of Magistrate Judge Vecchiarelli that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Vecchiarelli's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff McWhorter's complaint.

IT IS SO ORDERED.

Dated: June 1, 2011

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE